

# ROMA COMMUNITY. LEGISLATIVE ELEMENTS AND ACTIONS BY WHICH THE ROMANIAN STATE SUPPORTS THEIR INTEGRATION AND NON-DISCRIMINATION

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**Abstract.** *Through this study, we set out to make a foray into the actions by which the Romanian state supports the integration and non-discrimination of Roma at the national level, after the post-December period, when the social, economic, and political realities of Romania were redefined. The method used is qualitative, based on the analysis of various documents, with data obtained from both primary and secondary sources.*

*The post-December legislative and visionary technique tends towards a multicultural approach in relation to the Roma community. Thus, the current legislative and institutional adaptations were accompanied by a special dynamism, following a structural logic. The persistent cleavage between the majority and ethnic Roma, despite the measures taken, seems to be maintained. The complexity of the difficulties they face requires proactive state intervention. Thus, affirmative action is a remedial and necessary instrument which needs to be used more actively to reduce the gaps in various social areas.*

*The conclusions are clear, from our point of view: even if the actions are complex and judiciously crafted, the actions are poorly executed for several reasons. Although there is a growing ethnic mobilization, the state is inadequately addressing the situation. In its latest approaches, the state tends to emphasize the cultural side of the Roma and to improve the actions, at least on a theoretical and discursive level.*

**Keywords:** *Roma community, minorities, state actions, strategies, integration, non-discrimination, affirmative actions.*

## 1. Introduction

The central position occupied, at least today, by the national minorities in the sphere of the Romanian society is due to several factors, among which: the ratification of some international documents, the Europeanization process and the one of the strategic reorientations of post-December Romania, discursive presentations and cordial attitudes of policy makers who advocate for unity, cohesion, respect among citizens and in their relations with ethnic minorities and, without limiting ourselves to these factors, the proactive involvement of non-state actors.

The Romanian ethnic diversity is impressive. The prosperous cultural and linguistic baggage, but also the various defining elements of each community are treasures that highlight the multiethnicity of our society, which I like to believe that it wants to be modern and completely inclusive. However, there are differences between ethnic groups. Some communities are better represented, and others are not, and the consequences are reflected in unequal treatment. The Roma represents the most discriminated ethnic group at the

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societal level in our country and, certainly, at the European level. Although government policies on the community have had some effect in the sense that there are some improvements, the expected result has not been achieved. In addition to the fact that, despite the measures, a deep-seated stream of discrimination still lingers in the mindsets of citizens, social inclusion measures are having effects, but limited.

The obligation of the state has a dual nature, legal and, at the same time, moral, to take all the necessary measures aiming to treat them equally and non-discriminatory and to integrate them in the Romanian society.

Certainly, the issue of the Roma minority has been studied by specialists in several fields, but this study aims to analyse the various legislative elements and actions by which the Romanian state supports non-discrimination and integration of the Roma community.

The study aims to answer the following research question: *how sufficient are the actions by which the Romanian state supports non-discrimination and integration of the Roma community?*

The methodology used is qualitative, based on the analysis of various documents. The data used in this study are primary and secondary. Primary data reflects the various press statements of officials, surveys, studies and documents, reports issued by national, European, and international institutions and various non-governmental organizations working for the inclusion of the Roma community, and the secondary ones reflect the specialized literature. Primary and secondary data were identified using existing search engines on the internet. Moreover, we specify that works written in Romanian or English have been selected.

## **2. General Aspects**

*„Where is the essence of humanity when every single day Roma people are excluded from society and others are held back simply because of the colour of their skin or their religious belief?”*, the President of the European Commission, Ursula von der Leyen, rightly wondered in her first State of the Union speech.

In the foreground is the Roma community. One for which, despite the oppressive reactions they have faced in recent centuries, the present time is doing definitely too little. Enslaved for more than half a millennium (Dumitrescu, 2008: 63), treated inhumanely by the legionaries through a series of barbaric actions involving the effective deportation and extermination of some of them (Băican, 2014: 18) and subsequently silenced by a policy of widespread practical assimilation by the Communists, The Roma have shown, in accordance with the literature, an impressive ability to adapt and preserve their distinct identities (Fraser, 2017). In an interview, the current president of the National Agency for Roma considered that the identity and the culture are the fundamental elements of the Roma people (Paraschiv, 2021). Although we are all raised by values that have been instilled in us individually and, later, collectively, there is a crucial characteristic, identified in the literature (Prisacariu, 2010: 16), between the people and the minority: the character of a group animated by spirituality and solidarity.

Although they face difficulties that have implications in most aspects of life, they are plagued by both a racist and discriminatory current aimed at widening the existing gap between them and the majority, and a perception that associates them as strangers and intruders (Kostadinova, 2011: 165).

Despite the dissensions regarding the demographic dimension of the Roma community, one aspect is certain: on the Romanian territory there is a large community, the official data communicating the presence of several hundred thousand citizens who declared

themselves of this ethnicity<sup>1</sup>. Other estimates by international bodies show a presence about three times higher than that reported through the national census<sup>2</sup> and contrasts with the perspectives of some authors, who believe that more than one and a half million of ethnic Roma is simply unlikely (Achim, 1998: 171-172). Currently, there are bodies at the national level<sup>3</sup> that are conducting online information campaign to increase the level of awareness through a public assumption of ethnicity, within the current national census of Romania, marking the need for cohesion among the community. This aspect is to be welcomed, given the reluctance with which citizens publicly assume their ethnicity in our country.

In addition to identity and culture, another defining element that animates Roma ethnics, *in genere*, is diversity. It brings together, within it, a deep variety of groups, each with its own cultural, linguistic, professional, and even religious particularities (Achim, 1998: 171-172), the differentiation not being limited, however, only to the elements listed. In the same volume, Achim highlights a totally important aspect, emblematic for the perpetuation of cultural and social aspects: the birth of their ethnic consciousness. This is due, in his opinion, to the democratization process of society and the increasing involvement of the Roma in the issues that concern us all and will succeed, in time, to coagulate the divisions they face within the community and to shape deeper unity between them. If, in its depth, it can build bridges between groups and between them and the majority, then the future policies and actions of the state will know other paradigms and other orientations.

The researched studies reveal the desolate picture and the deep need for maturation among the Romanian society. The public perception of ethnic Roma is simply fragmented, with an extremely low degree of tolerance (Romanian Institute for Evaluation and Strategy, 2020: 6) and an extremely high degree of distrust (National Council for Combating Discrimination & The Institute for Public Policy Bucharest, 2018: Resume, para. 4). There are, moreover, recent studies that invite us to step into the harsh reality of a cleavage that seems to be deliberately maintained by opinion formers through value judgments aimed at stigmatizing and universalizing (Hosszu & Duminičă, 2020: 12) issues that, over time, will decouple from the possibilities of the Roma to effectively integrate.

Regrettably, the data, correlated with entire perspective and the whole picture, do not communicate a real paradigm shift in the future. The ideal of an inclusive society seems, at least for the moment, unfulfilled. The reports also showed the persistence of an institutionalized anti-Gypsyism current creating social inequalities and barriers, an aspect that shows the extent and proportion of this phenomenon (Muižnieks, 2014: 4). Public opinion is also marked by the impure and dishonest speeches of opinion makers or policy makers. These issues are constantly building a disgraceful image pattern that will ultimately inspire stereotypes. In addition to the fact that hate speech is constantly fuelled, studies indicate that it tends to be even normalized (Marincea, 2019: 55-77).

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<sup>1</sup> According to the latest census, the number of those who declared themselves Roma at the national level was: 621,573 people. For more details, including the population by ethnicity in the censuses from 1930-2011, both at county and national level, the data can be consulted online at the following address: <https://www.recensamantromania.ro/rpl-2011/results-2011>.

<sup>2</sup> The Council of Europe estimates in official reports the presence of approximately 1,850,000 Roma in Romania, data available online at the following addresses: [www.coe.int/en/web/portal/roma](http://www.coe.int/en/web/portal/roma) and [https://pjp-eu.coe.int/en/web/access-to-justice-for-roma-women/romania#%2242239812%22:\[0\]](https://pjp-eu.coe.int/en/web/access-to-justice-for-roma-women/romania#%2242239812%22:[0]).

<sup>3</sup> The Roma Party „Pro-Europa” is an organization of Roma in Romania, established in 1990.

### 3. Some Aspects of the Post-December Legislative Approach and Dynamism

Minorities give balance to the nation, a poetic balance of diversity that conduct society, towards the pattern of a multicultural community, guided by values that become representative for the whole society.

After the collapse of the communist regime, a broad and active process of identity construction began to be seen at the national level (Stoica, 2015: 159). Seen as an ideology of diversity by the previously cited author, the multiculturalist approach can redefine the legislative path to increase the identity assertion of ethnic minorities. Thus, although late, the status of national minority was granted to the Roma only in the post-December period, when the strategic trajectory of our country was oriented towards Euro-Atlantic integration, a path that involved, *ab initio*, a reorientation of state policies to be in concordance with the new political and social realities. Prior to this period, the state had shown resistance to granting minority status to Roma ethnic groups and, unfortunately, in some areas of society, state involvement, with at least equivalent measures taken in relation to other minorities, was lacking (Fraser, 2017: 298).

The new social and economic realities that have emerged have shaped the medium and long-term perspectives of our country. The transition and, inherently, the adaptation to them, required a revision of the legislative framework in several areas in order to be in line with the social and legal environment of the juncture. Thus, the new framework had to be designed to meet several needs, including those of the Roma ethnic group.

Structurally, the new regulations attest to several rights and freedoms designed to highlight the ethnic and cultural specificity of minorities in general, which will lead, *per se*, to a process of coagulation and transformation of the Roma community into a modern national minority, as some authors claim (Nicoară, 2005: 63).

The legislative technique of the new social reality tends towards a multiculturalist approach, compatible with the principles of the contemporary political regime and differs, indisputably, from the paradigm of the former oppressive regime, in which the integrationist vision was focused on assimilation policies (Nicoară, 2005: 61-63). Given that this breath of democratization is maintained at the national level, policymakers today are more convinced that segregation and assimilation have no place in the policies and strategies that the state adopts, and the trend is relatively uniform among them. The pluralist position and vision are also reiterated in the light of the speeches of the various policy makers, who still maintain their position on the perpetuation of the rights of national minorities (Aurescu, 2015). This positivist trend, with its integrative approach, is maintained in the vision of the current President, who, in the light of the speeches of recent years, has recognized the decisive imprint of ethnic diversity on the overall development of society. The concept, basically, has gone beyond the sociological and political framework, being today a true political philosophy (Burtea, 2019: 127) deeply rooted in the democratic perspectives of today's world.

With a winding path in terms of integration into the structure of the European Union, Romania will finally be able to cover society's deficiencies by adopting the relevant *acquis Communautaire* – a *sine qua non* obligation for countries aspiring to the title of EU member state. The supranational structures called for a redefinition of the approach and emphasized, among other things, the need to protect the inherent human rights of minorities, as well as the need to change the paradigm for the inclusion of ethnic minorities. Essentially, together with the accession negotiations, the European institutions addressed the Roma issue in the broad framework of European integration (Anghel, 2019: 96).

As we have already reiterated on the well-known reasons regarding the consolidation of the legal framework, it should be noted that its continuous adaptation, but also its policies, are required for several reasons, including: *the dynamics of changing social and economic realities; the various recommendations of national, supranational and international experts; the need for the legal framework to be in line with European and, in some cases, international law; as a result of impact studies* etc.

With a special vivacity, the legislative framework is finally experiencing a surprising diversification. This current of legislative and, why not, institutional adaptations follow a structural logic: it starts at the constitutional level and continues with the rest of the legal acts in a symbiotic relationship. For additional safeguards, the state has committed itself to signing and ratifying international documents of particular value in the protection of the rights and freedoms of national minorities<sup>4</sup>, and has strengthened its legislation in the light of a number of recommendations and resolutions of international bodies. In this regard, we emphasize the importance of the following key international documents: the International Convention on the Elimination of All Forms of Racial Discrimination of 1950, the Universal Declaration of Human Rights of 1949, the Charter of the United Nations of 1945.

From the vast array of international treaties and conventions, the document that will initially shape the course and scope of regulations at the national level is the Framework Convention for the Protection of National Minorities of 1 February 1995 (Ratified by Law no. 33 of April 29, 1995, published in the Official Gazette no. 82 of 4th of May, 1995). Adopted at the regional level, it represents a solid legal benchmark, with a high level of generality, which outlines the guidelines in terms of culture, religion, tradition, different rights, and freedoms that states are obliged to respect and develop them through appropriate government policies.

The legislative trajectory, following the ratification of the Framework Convention, tends to be tangled. The implementation monitoring reports (Council of Europe, 2017: para. 2) suggest the existence of a loose, fragmented, legislation, full of grey zones, that opens the way to contradictory interpretations. Through it, the experts evoked a set of recommendations, some of which *(i) for immediate action*: the adoption of a coherent and strengthened legal framework for the protection of national minorities, the need for measures to eliminate all forms of segregation of Roma children and other forms of discrimination in schools, specific actions to prevent, investigate and prosecute crimes committed on racial or xenophobic grounds and others relating to free and fair competition in the electoral process, and others of *(ii) necessity but not urgency*: the requirement for the involvement of Roma ethnics in the implementation process, the evaluation and constant review of Inclusion Strategies and much more.

In order to implement the series of regulations and, for effective coordination in this matter, multiple structures with well-defined attributions and objectives and distinct particularities have been created: the National Council for Combating Discrimination, the Institution of the People's Advocate, the Council of National Minorities, the Department for Interethnic Relations, and the National Agency for Roma. The latter body aids assistance regarding public policies on Roma citizens, as well as respect for their rights.

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<sup>4</sup> The list of multilateral treaties to which Romania is a party can be consulted online at: [www.mae.ro](http://www.mae.ro).

#### 4. Support for Non-Discrimination, Affirmative Action and Effective Integration

The analysis will debut, *ab initio*, with the identification of the elements through which the Romanian state supports the non-discrimination of Roma at national level, following which we will indicate the main directions drawn, in order to integrate, through the diversity of strategic plans, without exhausting them all, given their dispersion in various documents and general-purpose strategies and typing constraints. The study will culminate with the exposition of some affirmative measures that the Romanian state has adopted to blur the cleavage between the Roma and the majority community.

##### 4.1. Non-discrimination

There have always been social groups that have faced discriminatory acts that are, in essence, difficult to combat. At the level of our society, and not only, the Roma represent the most discriminated ethnic group. Their removal, through discriminatory acts, from the spheres of social life made their integration into the life of the community even more difficult. Reporting incidents of discrimination in small numbers highlights, among other things, a lack of trust in the authorities and a high level of passivity (European Union Agency for Fundamental Rights, 2018: 13, 44).

Prohibition of discrimination is crucial in a functional democracy in which equal opportunities and treatment prevail. The fight against discrimination and social exclusion is reflected in the content of European policies. National regulations have been designed to meet the requirements of international and European law. Thus, major approaches have emerged in the supranational institutions (Kostadinova, 2006: 1, 2): (i) *a legal approach that reflects the EU anti-discrimination acquis* and, finally, (ii) *a policy approach that stems from strategies for inclusion and employment*. Subsequent evolutions have shaped, considerably, the perspectives of the European institutions, moving dynamically towards the development of more consolidated and comprehensive strategies for ethnic Roma. In our equation, discrimination against the Roma, and not only, is prohibited by law; either based on ethnicity, or belonging to a disadvantaged group, or by general provisions (Marin & Csonta, 2012: 10).

Respect for the intrinsic values of human nature, equality between citizens and opportunities are already the defining criteria of the society in which we live. The pedantic and dynamic process of our country's accession to the mega-structure of the European Union involved, *inter alia*, the harmonization of the entire anti-discrimination legislative framework, based on a series of directives, framework decisions, recommendations etc. Under these regulations, member states had to broaden their prospects to combat discrimination and hostility towards Roma in this case, but also to develop mechanism for social inclusion.

In an optimistic note, we can state that non-discrimination has been raised to the rank of principle, being, in fact, one on which the whole societal construction and the entire legislative approach are grafted. The creation and consolidation of the legislative and institutional framework in this matter places us among the civilized states in which minorities can enjoy fundamental guarantees.

Although notorious, acts of discrimination are punished by Government Ordinance no. 137 of 2000 (published in the Official Gazette. no. 166 of March 7, 2015). As a benchmark in legislation, it meets the requirements of Community Directives<sup>5</sup> aimed at

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<sup>5</sup> Council Directive 2000/43/EC of 29 June 2000, Council Directive 2000/78/EC of 27 November 2000.

harmonizing the entire legislative framework. Not being an instrument of *ut singuli* applicability, it will be completed with other indispensable provisions: the Romanian Constitution, the European Convention on Human Rights and, at regional level, the Charter of Fundamental Rights of the European Union. The regulation of the prohibition of discrimination until the year 2000 was achieved, dispersed, through various legislative acts, but later a more diversified framework was adopted (Chiriță & Săndescu, 2008: 62). According to Chiriță and Săndescu, non-discrimination has a universal value, being found, for example, in the field of constitutional, criminal, civil and administrative matters and is complemented and supplemented by many other relevant provisions in the field of national education, health, employment and others.

Essentially, the notion of discrimination involves a multitude of definitions, of meanings, some of them more complex than the others. In a simplistic view, it implies a distinction made between two or more things, or a lack of rights of a social group compared to the rest of the population (Comșulea, 2008: 249) and includes, moreover, a dimension marked by a multitude of situations in which it can intervene: from everyday life to relations with public authorities, employment, and others. The purpose of the regulation is clear and indisputable: it is reflected in the state's intention to create a level playing field (equal conditions) for all citizens, addressing vulnerable groups, especially Roma. At least at the attitudinal level, members of society tend to reject discriminatory acts, but reactions to them will lead to significant differences. Discrimination involves concrete and tangible facts, subject to trial and sanction (Burtea, 2014: 83) and involves a special typology: positive and negative discrimination, open and individual, undeclared and institutional, subjective and objective one, social and others (Chelcea, 2016). Indeed, there are several factors that lead to discrimination, but two of them seem relevant: lack of education and lack of direct contact with discriminated persons (National Council for Combating Discrimination, 2021). Although we fully understand its complexity, and Eurostat data confirm that, of all types, ethnicity is the most widespread, there are many who firmly stated that ethnic discrimination does not exist at national level (Chelcea & Abraham, 2009: 20).

As all the data confirm, in fact, that the Roma are the most discriminated, an operative and active approach of the authorities is required to slow down, at least, the perpetuation of these acts among the society. In this regard, a call for specific measures to prevent or combat disadvantages related to discrimination has been crystallized at European level and is reflected in the need to address affirmative action, which we will focus on. In the same vein, the negative educational and social consequences of school segregation have prompted the authorities to ban school segregation a few years ago and to continue to prevent and eliminate such actions (See Order no. 1540 of July 19, 2007, on the prohibition of school segregation of Roma children and the Methodology for the prevention and elimination of school segregation of Roma children); subsequently, the new Order no. 6134 of 2016 which prohibits segregation, brings, in essence, some substantial and necessary changes, including the establishment of the National Commission for Desegregation and Educational Inclusion.

Currently, regarding the non-discrimination, the National Strategy for preventing and combating anti-Semitism, xenophobia, radicalization and hate speech, related to the period 2021-2023, approved by Decision no. 539 of May 13, 2021, is a novelty; the strategy includes a number of necessary and key actions for Roma ethnic groups, such as: (i) *the development of a unitary methodology for identifying and reporting, at the level of the National Agency for Roma, on incidents associated with xenophobia, anti-Roma racism, radicalization and incitement*; (ii) *the elaboration and implementation of the pilot project*

“*Holocaust against Roma - Samudaripen*”; (iii) *the realization of a feasibility study regarding the establishment of a Museum of Roma History and Culture*. Thus, we appreciate that the actions with educational and cultural factor are opportune and welcomed. Moreover, our conviction is that through efficient mechanisms for identifying and reporting incidents, there will be a visible tendency to discourage the perpetuation of these acts.

To conclude, we point out that despite the legislative and institutional evolution, the perspective of the members of the society remains slightly uneven. The lack of community intervention and response to these acts indirectly contributes to their proliferation in day-to-day relationships. Faced with these intolerable and barbarian acts, the Roma have suffered considerable social injustice. The persistence of this inequitable current will have special implications for Roma lives, but also for the chances of accessing the various opportunities available at a given time in society. Despite efforts from either the state or non-state actors, discrimination, inequality and even segregation persist, without knowing the real dimensions of segregation (Save the Children Organization, 2021: para.1) and the effects, at least at the educational level, are devastating and are reflected in poor performance, strong demotivation, revolt and even isolation (Răducanu, 2017: 50). *Ultima ratio*, there is a need for the state to intervene through concrete and diverse measures, even through the further implementation of affirmative action policies.

#### **4.2. Affirmative actions**

Through this study, we aim, among other things, to point out some aspects of the ways in which the state, in its absoluteness, tries to compensate for the disadvantages faced by Roma ethnics and to ensure a certain balance between needs and opportunities. Considering existing cleavages, relevant recommendations and reports that highlight all the shortcomings, policy makers have focused on taking affirmative action in some areas of social life.

Conceptually, there is no rigorous definition of affirmative action. In a concise approach, these measures are policies aimed at overcoming or remedying discrimination or achieving diversity (Appiah, 2011: 268). Although it seems a purely theoretical construction, it represents, in fact, a concrete mechanism, practiced at the societal level, one through which the elimination of forms of discrimination is achieved, in the sense of the special provisions of art. 2, para. 10, letter a), from the Government Ordinance no. 137/2000. Obviously, this „correction mechanism” does not represent an express innovation of the Romanian legislator and, in any case, one not particularly used by us, as such measures have been taken at the level of other states as well.

A terminological clarification is required, noting a series of inconsistencies between the terms used in the literature. The concept of affirmative action will be found, not infrequently, in the literature under the notion of positive discrimination, both used interchangeably (Broderick, 2022) and will not be confused, however, with that of positive action, which generically reflects the policies pursued, temporarily, to encourage and support under-represented groups in the workplace (Noon, 2010: 729).

Affirmative policies are designed to meet the social needs of ethnic Roma in our case and to be effective in bridging the gap between majority and minority. In the equation of their elaboration, in addition to the line ministries, the National Council for Combating Discrimination has an edifying role, because it proposes the establishment of such measures when there is a report of inequality and, at the same time, elaborates and establishes such policies in order to prevent discrimination, in accordance with art. 9 letters a), f) of the Regulation on the organization and functioning of the National Council for Combating



Discrimination. In fact, we also mention the contributions that international bodies and non-state actors have in promoting these measures.

At national level, the measures are spread across several sectors of social life and are financed either from the national and local budgets, or from various financial mechanisms or even European funds. Ensuring special places in pre-university: high school, vocational or post-high school education, and in university education; the allocation of separate places for admission to the initial vocational training institutions of the Ministry of Internal Affairs; special legislative provisions on the representation of minorities in Parliament; programs for Roma health mediators and community nurses; various incentives in employment; social housing for Roma communities are, without limiting itself only to their existence, affirmative measures adopted by the state. We specify that the adoption of these special measures does not constitute discrimination, within the limits provided by law, and the measures come to equalize the relations and, with the risk of repeating myself, to respond to the fundamental needs of the Roma citizens.

The framework of educational policies is based on a set of clearly expressed principles, and a defining one is that education is free from discrimination, ensuring equal opportunities for all (Open Society Institute, 2007: 124). These chances, in practice, are jeopardized by the high degree of institutional discrimination in particular, so that affirmative action is a minimal effort to ensure a kind of compensation and balance to those who, as some authors claim, present a high degree of educational risk (Răducanu, 2017: 50). Therefore, policies play a dual role: on the one hand, they unquestionably contribute to the emancipation of this community, and, on the other hand, they contribute to their effective integration (Giurca et al., 2012: 12). It is essential to note that during this school year, the places for Roma candidates, both at the bachelor's level and at the master's and doctoral studies, have been supplemented by state.

According to the updated data of the Strategy for the inclusion of Romanian citizens belonging to the Roma community (2015-2020), the situation is as follows: regarding the distinct places in the vocational training institutions of the M.A.I (Ministry of Internal Affairs), the indicators reveal a minimum of 2% of the total places allocated to candidates Romanian citizens belonging to the Roma minority; with regard to Roma health mediators and community nurses, the reports consider that they have been recruited and employed, in a priority and constant manner, at the level of Roma communities; in the labour sector, the measures aimed at organizing vocational training courses, incentives such as mobility, or providing subsidies to employers for the Roma on the labour market, the beneficiaries being few compared to the growing needs of the community; with regard to housing, housing units were granted annually to Roma citizens, the beneficiaries being, however, few (several hundred).

Without being exhaustive in approach, the course of affirmative action policies in all spheres tends to be relatively consistent and with more significant results in 2020 than in previous years. There is, however, a diversification of these measures and an increasing level of beneficiaries, but the process of compensating for disadvantages and gaps seems to be slow.

The usefulness and necessity of affirmative actions are today topics of debate on the agenda of specialists. The advantages and disadvantages are each driven by deliberate arguments. Without going into the complexity of the discussion, some authors point out that liberal democracies allow all groups to decide their own destinies, without the need for such measures, while others (Stephen & Loury, 1993) find them useful to counteract the diametric aspects of liberalism, attributing racial inequality to persistent effects of past and

present prejudices. We also agree with the latter opinion, which we consider appropriate in the context of the Romanian social reality.

Regarding the perception of the population towards these measures, it is reasonable to deduce that there is a high degree of polarization. Analysing some opinions expressed in the media on the establishment of affirmative action measures, diametrically opposed positions are revealed in relation to them. Some opinions, negative, tend to be dehumanizing and apocalyptic in relation to the Roma minority, the measures being portrayed as "minority dictatorships" (Golub, 2011: para. 1-4); while others, with a high degree of positivism and acceptance, reveal a need for measures and, at the same time, an urge on the need to know the social and historical context that crystallizes the need for these affirmative actions (Toma, 2016: para. 1-6).

Clearly, the impact of these measures has been measured, studied, and included in various reports of some entities. Specifically, its quantification is not easy at all, requiring several aspects to be considered. In a first analysis and in terms of the allocation of special places for Roma in education, Romania is a positive example, but with a limited impact of these measures (European Union Agency for Fundamental Rights, 2010); The new draft of the Roma Inclusion Strategy (2021-2027) states that, in terms of educational attainment, the gap between Roma and the majority is maintained, and the program of affirmative action measures in the field of education is insufficiently supported by associated facilities. In its reports, the Commission recommends, *inter alia*, the introduction of these actions in the public sector as well, for employment, including interventions to support employment (European Commission, 2019a: 196). In the same vein, affirmative action plans in the field of education, in the absence of consistent implementations and actions to reduce inequalities, can lead to the risk of (self) exclusion (Vincze & Harabula, 2011: 148).

### 4.3. Integration

Social inclusion is, briefly, a whole process, with a high degree of complexity and comprehensive measures. The precarious and visionless context requires concrete and effective action. At the regional level, we have a whole framework of actions aimed at increasing the inclusion of Roma citizens. The new EU strategic framework for equality, inclusion and participation (2020-2030) provides for a comprehensive approach in three pillars: *equality, inclusion and participation in political, social, economic, and cultural life* and it is, in fact, more elaborate than previous frameworks. Improving their situation is - from the perspective of the European Commission - a social and economic imperative (European Commission, 2011: section I).

The situation of Roma integration has been analysed from several perspectives. From the point of view of activists, the conclusions are clear (Moisă, 2011: 217): the rate of rejection by the majority in various aspects of everyday life, the level of marginalization, the risk of social exclusion and poverty remain, overall, very high. The corroboration offers the desolate image of a community that seems to be simply forgotten. However, there is a link between ethnicity and poverty, according to some opinions, in the sense that most Roma have reached this status due to their perception by the majority as inferior (Necula, 2020: title 5), which denotes the restrictive and closed ethnocentrism of a significant part of population, confirmed, moreover, by data from recent studies (National Council for Combating Discrimination & Institute for Public Policy Bucharest, 2018: 3<sup>rd</sup> slide).

Given the extent of the difficulties, various in form, content and manifestation, actions to combat the negative effects are reflected in the need to take concrete social, political and economic measures to ensure a decent standard of living and a certain type of

balance and coherence in terms of the opportunities we have as citizens. An obligation of constitutional origin, it imposes, at a structural level, a series of constraints on the decisive factor. The precarious situation of the Roma also requires a greater degree of diligence in policymaking, to produce palpable, substantial effects. At present, Roma policymaking is carried out in accordance with the requirements of supranational bodies and is based on a proactive perspective on their social inclusion.

Knowing the diversity, formalism and breadth of policies, the literature (Ionescu & Cace, 2006: 75) orders them according to their intrinsic desideratum: (i) *improving the situation of the Roma*, (ii) *reducing poverty and social exclusion*, (iii) *sustainably promoting a cohesive and inclusive society*, and (iv) *promoting active Roma social inclusion policies*.

The fundamental sceptre for ensuring Roma integration is represented through integration policies. These are reflected in the various sets of concrete and well-defined measures. Some of them are end-result, strategic and high-level tools such as *Roma Inclusion Strategies*; these are obviously accompanied by concrete action plans. Although its adoption is a simple statement of intent (Center for Policy Studies of the Central European University, 2018: 7, 8) which requires a series of separate actions, such as the development of mechanisms or legislative changes, it is the wise guide to improving their lives. Although rationally guided in policy building, national and international partners have often highlighted the deficiencies and shortcomings of the implementation of these strategies.

The first strategy to improve the situation of the Roma adopted by the Romanian Government dates to 2001 (Strategy of April 25, 2001, of the Romanian Government for improving the situation of the Roma, published in the Official Gazette. no. 252 of May 16, 2001, adopted by Decision no. 430 of April 25, 2001) and has been adopted for a period of ten years, with related action plans, and covers several sectoral areas, each with its own directions of action: administration, housing, social security, health, economics, justice and public order, child protection, education, culture and worship, communication, and civic participation. It was subsequently amended successively<sup>6</sup>. After a couple of years, the first data appeared on the effects of the application of the above-mentioned strategy (Preoteasa, Cace & Duminičă, 2009: 55-57), among which we mention both the positive ones, without the study being limited only to these: the creation of Roma elites employed in different positions; the existence, both at local and county level, of actors and implementation mechanisms; real knowledge of community priorities; facilitating access to funds; as well as the negative ones: the strategy tends to be general; lack of estimated budget for implementation, lack of involvement of social actors, poor representation in the territory. Among the policies aimed mainly at social measures, the following initiatives with impact should be mentioned: the Decade of Roma Inclusion (2005-2015); National Plan Against Poverty and Promoting Social Inclusion (PNAinc, 2002-2012); Joint Memorandum on Social Inclusion (JIM, 2005-2010); Romania's national development plans; Government program for the period 2009-2012; National Reform Program 2011-2013.

After 2011, all policies had to be built around the European Union Framework for National Roma Integration Strategies by 2020. For these reasons, the Romanian Government's Strategy for Inclusion of Romanian Citizens Belonging to the Roma Minority for 2012-2020 was developed<sup>7</sup>. Finally, it was repealed in order to follow the Romanian Government's Strategy for the inclusion of Romanian citizens belonging to the Roma

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<sup>6</sup> Decision no. 522 of April 19, 2006, for the amendment and completion of Decision no. 430/2001 regarding the approval of the Romanian Government's Strategy for improving the situation of the Roma.

<sup>7</sup> Approved by Government Decision no. 1221 of 2011, published in Official Gazette no. 6 of January 4, 2012.

minority for the period 2015-2020<sup>8</sup>, which contained, in essence, a substantial revision and included, compared to the previous act, directions of concrete actions, but also a mechanism for implementation and monitoring. Grafted on the European Commission's policy diversification recommendations, the strategy produced some effects, but not as expected. The overall impact tends to be relatively weak and the progress very slow (European Commission, 2019b: 32-35). The social scoreboard of our country, viewed in general, is extremely discouraging in several key areas, being more critical situations and poor performances, than average or above performances. The synoptic table also outlines the limited progress. Criticism from civil society and experts reveals, among other things, a poor approach to this strategy, ignoring mainly the cultural and identity factors of the Roma (Moisă et al., 2019: 8); In addition, in the Council of Europe's view, the lack of a monitoring and evaluation methodology, despite the existence of the inter-ministerial committee and the various joint working groups at prefecture level, jeopardizes the effectiveness of the strategy itself.

In the sphere of public policies for Roma, we note the National Strategy for Social Inclusion and Poverty Reduction (2015-2020)<sup>9</sup>, which includes strategic actions in areas such as: income, employment, education, health, housing, participation. Its place is to be taken by the National Strategy for Social Inclusion and Poverty Reduction for the period 2021-2027, not adopted at the time of writing this study. This is a stage in the action plan by which our country aims to combat poverty, inequality, and social injustice. Overall, it contains measures and actions that contribute to consolidating the steps taken in the period 2015-2020 and proposes an idealistic framework for equalizing opportunities and maximizing potential in three specifically targeted areas: harmonious personal development, stable labour market integration and active aging, but also social inclusion. Likewise, it addresses several strategic objectives from daily living, social investment, and social protection, to improving the administrative capacity of the state. In her speech, the World Bank country director Elisabetta Capannelli, welcomed the package of measures taken to combat poverty and progress, stressing that the social and economic inclusion of the Roma population must be a goal, emphasizing the need for policy and programs coordination.

The current strategy on Roma inclusion for the period 2021-2027, must be in line with the European Commission's demands in the new European Union strategic framework for Roma on equality, inclusion, and participation. It is a *de facto* continuation of the efforts to include Roma citizens and is built to meet the requirements of several programmatic documents. The objectives focus on several aspects, as well as the others, but they seem more dynamic and it focuses, *inter alia*, on elements of valorisation of the Roma cultural heritage.

The awareness of the precarious status of ethnic Roma and the risks to which they are subjected, by various non-state actors, have led to the development of organizations designed to act in their interest. The involvement of non-state actors in this equation is to be appreciated and comes to cover the dysfunctions of the protection system. The several

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<sup>8</sup> Approved by Government Decision no. 18 of 2015, published in Official Gazette no. 49 of January 21, 2015, amended by Government Decision no. 767 of 2015, regarding the amendment of the annex to the Government Decision no. 18/2015 for the approval of the Romanian Government's Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2015-2020.

<sup>9</sup> Approved by Government Decision no. 385 of 2015, published in Official Gazette no. 463 of June 26, 2015.

hundred non-governmental organizations that operate reflect the growing ethnic mobilization in our territory, which will lead to a more active positioning of them in the sphere of society (Aidan, 2008: 15) and, why not, a possibility to draw the future public policies perspectives.

Overall, in terms of education, health, employment and housing, monitoring reports show both improvements in these sectors and shortcomings (European Commission, 2019a). Moreover, the recent Council Recommendations<sup>10</sup> aim at improving horizontal and sectoral objectives through a series of measures that member states should take. Regarding national strategies, the reports (World Bank, 2014: 25) suggest that the strategies do not have an institutional and legal framework, and that the structures responsible for verifying its implementation at the community level do not have the necessary prerogatives to hold the authorities responsible for effective implementation accountable. This latest report suggests, among other things, the low capacity of local authorities to implement projects and achieve the objectives set out in the strategies and the need for more active funding. Criticisms also target the implementation and evaluation system introduced through the latest Inclusion Strategy.

Reading both the previous governing program (2020-2024) and the current governing program of the coalition of Liberals, Social Democrats and the UDMR<sup>11</sup>, we conclude that there are elements of continuity in measures and policies regarding ethnic Roma, with an emphasis on cohesion, education, actions to prevent and combat forms of racism and intolerance and culture.

Government measures tend to be more elaborate in the current program. In accordance with both this act and in conformity with the Strategy not yet adopted, another measure concerns the establishment of Roma cultural institutions. Although a purely political document, it reveals the intentions of the current executive in the short and medium term. The section on national minorities brings to the fore some structural and substantive elements, namely: (i) *the commitment to adopt the Law on the Status of National Minorities by the end of 2022* and (ii) *the adoption of the Romanian Government's Strategy for Citizen Inclusion Romanians belonging to the Roma minority for the period 2021-2027 until the end of 2021*. Compared to the previous one, the current legislative commitment regarding the adoption of the Law on the status of the national minority provides a deadline. It will be interesting to monitor its compliance, given that the deadline for the adoption of the Inclusion Strategy (2021-2027) has passed.

## 5. Conclusions

This study wanted to answer the following question: *how sufficient are the actions by which the Romanian state supports non-discrimination and integration of the Roma community?* As we have identified, there is a whole philosophy of non-discrimination and integration of Roma citizens, built on the new post-December realities. The glimpse of these realities has led to a certain coercion of the decisive factor, which has crystallized into a continuous diversification and redefinition of both the legal framework and subsequent policies on non-discrimination and inclusion.

Surrounded by a special dynamism, the current of legislative and institutional adaptations, followed a structural logic: started at the constitutional level, they continued

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<sup>10</sup> Council Recommendation of 12 March 2021 on equality, inclusion, and participation of the Roma in the Official Journal of the European Union C93 /1.

<sup>11</sup> The governing program of the Coalition for Resilience, Development and Prosperity (2021-2024) can be accessed on: [www.gov.ro](http://www.gov.ro).

with the rest of the legal acts in a relationship, theoretically, symbiotic. Non-discrimination, raised to the rank of principle, has, in fact, become an element on which the whole societal construction was later grafted, offering equal opportunities for the Roma ethnics as well. Although the state has intervened slowly, it has created a relatively complex legislative and institutional framework, but a much more operative and active approach will be required to slow down the perpetuation of these acts among society. The new strategy for preventing and combating anti-Semitism, xenophobia, radicalization and hate speech thus brings some novelties in identifying and reporting these unspeakable facts. In the same note, it aims to awaken the public consciousness by initiating projects with a special cultural value.

Specifically, the social injustice suffered by Roma ethnics is closely related to the involution of the general perspective of society and the lack of interventions and reactions from the community itself. Negatively reflected, it reveals the need for the state to intervene through affirmative action measures designed to compensate for the disadvantages and to eliminate the gaps in the various social fields. Although the affirmative measures already adopted are challenged, they do solve some of the corresponding problems in several spheres of social life, but despite their diversification and the number of beneficiaries, this process of compensation appears to be slow in relation to the Roma population, and needs to be extended and supported through associated facilities, as the reports suggest.

Given the complexity of the difficulties they face, various in form, content and manifestation, the state has taken certain concrete social, political and economic measures, based on end-of-outcome, strategic and high-level instruments, such as inclusion strategies. Although they formally provide a basic framework, they provide sound guidance for improving Roma life and have been developed in accordance with the requirements of regional and international partners. The precarious situation of the Roma ethnics required, among other things, an increased degree of diligence in drawing up and elaborating public policies.

In terms of policies aimed primarily at social measures, the state has had several initiatives with impact, in addition to generic strategies, and in close connection with the recommendations of specialists in the field. In the current Strategy, not yet adopted, the objectives aim at a series of aspects, just like the others, but more dynamic and focus, *inter alia*, on elements of highlighting the cultural heritage of the Roma ethnics. There are also several issues that need to be constantly improved and several deficiencies. According to most reports, even if the impact of some strategies has been relatively positive, progress is slow, and performance is weak. In the same vein, although there is progress, there is a need to see social and economic inclusion as a goal and to deepen policy coordination, a need to allocate sufficient funds and create more capable and complex monitoring, implementation, and sanctioning structures.

We conclude that the actions by which the state intervenes are complex, but poorly executed. Although there is a growing trend of ethnic mobilization, the state does not consider the Roma minority as a priority, the situation being different at the discursive level. We welcome, however, the fruitfulness of the cultural side of the Roma ethnics and consider that the implications will be special both in terms of public opinion and the degree as well as the actual integration. Even though the legislation and strategies, being comprehensive, are constantly optimized with provisions and measures that seem, *ab initio*, categorical and effective, the reality that the Roma face is different.

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